

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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PRECISION ASSOCIATES, INC., ANYTHING
GOES LLC d/b/a MAIL BOXES ETC., et al.,
on behalf of themselves and all others similarly
situated,

Plaintiffs,

- v -

PANALPINA WORLD TRANSPORT (HOLDING)
LTD., et al.,

Defendants.
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ORDER

CV-08-42 (JG)(VVP)

The defendants Nippon Express USA, Inc., Yusen Air & Sea Service (U.S.A.), Inc., Nissin International Transport U.S.A., Inc., “K” Line Logistics (U.S.A.), Inc., Kintetsu World Express (U.S.A.), Inc., Yamato Transport U.S.A., Inc., MOL Logistics (U.S.A.), Inc., and Hanshin Air Cargo USA, Inc. have moved for a stay of discovery [DE 931] in this action pending a final decision by Judge Gleeson on their various motions to dismiss. Those motions were the subject of a report and recommendation that is now under consideration by Judge Gleeson, following the filing of various objections to it by these, as well as other, defendants. Although the motions to dismiss were not frivolous, at this point I do not share the above defendants’ view that they have made a “strong showing that the plaintiff’s claim is unmeritorious.” Def. Mem. (Doc. 932), at 3. Thus, although I recognize that discovery in this matter is likely to be burdensome for all of the parties, there is no reason for further delay in commencing discovery particularly in view of the age of the case. Accordingly, the motion is denied. Any defendants may nevertheless make motions for protective orders to postpone any particularly burdensome and costly aspect of document discovery – for

example, retrieval and production of “hard copy” documents that were never reduced to digital form – until a final ruling is made by Judge Gleeson. Any such motion must be supported by a detailed showing of the burden, and must be preceded by efforts to achieve a resolution without judicial intervention through discussion with the plaintiffs.

SO ORDERED:

Viktor V. Pohorelsky

VIKTOR V. POHORELSKY
United States Magistrate Judge

Dated: Brooklyn, New York
December 16, 2013